

**OPINION
57-219**

January 17, 1957 (OPINION)

TRAFFIC

RE: Cities - Use of Electrical Timer Device

Your letter of January 15, 1957, wherein you request an opinion with regard to an electrical traffic timer device recently purchased by the city of Williston, is acknowledged.

Section 4 of Chapter 239, North Dakota Session Laws of 1955 authorize the use of radiomicrowaves or other electrical device to check the speed of motor vehicles and provides that the results of such check shall be accepted as prima facie evidence of speed in any court or legal proceedings where the speed of the motor vehicle is at issue.

This section further provides that "nothing herein shall effect the powers of cities to adopt and use such device to measure speed."

It is the opinion of this office that this section along with the authorization granted to municipalities in section 40-0501 of the 1953 Supplement to the North Dakota Revised Code of 1943 as amended by Chapter 254 of the North Dakota Session Laws of 1955, authorizes a municipality to utilize electrical traffic timer devices but only after adopting an ordinance to that effect.

LESLIE R. BURGUM

Attorney General